

REMARKS

Claims 39-56 are pending in the present application. In the Final Office Action mailed June 11, 2007, the Examiner rejected claims 49-52 under 35 U.S.C. §102(b) as being anticipated by DE 83 08 999.3. The Examiner next rejected claims 39-42 under 35 U.S.C. §103(a) as being unpatentable over DE ‘999.3 and further in view of Gartland (USP 4,782,204). Claims 43 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over DE ‘999.3 in view of Andersen (USP 6,590,184).

Claims 53-56 are allowed. Claims 45-48 were indicated as containing allowable subject matter. Such indication is appreciated.

The Examiner rejected claim 39 under 35 U.S.C. §103(a) as being unpatentable over DE 83 08 999.3 (DE ‘999.3) in view of Gartland, stating that “DE ‘999.3 discloses a welding device comprising a housing (2) enclosing a power source, a gas cylinder (1) attached to the housing, wherein the gas cylinder has a length that is less than a length of a side of the housing and the gas cylinder is fluidly connected to the welding device by translating the gas cylinder along the longitudinal axis of the gas cylinder...” *Office Action*, June 11, 2007, p. 3. The Examiner further stated that “DE ‘999.3 fails to teach an adapter fluidly connected to a torch,” but that “Garland discloses an adapter (31) fluid[ly] connected to a torch for the purpose of elevating the gas flow rate.” *Office Action*, supra at 4. Thus, the Examiner concluded that “it would have been obvious to [one of] ordinary skill in the art at the time applicant’s invention was made to have an adapter taught by Garland, in DE ‘999.3, in order to elevate air flow.” *Id.* Applicant respectfully disagrees. Specifically, Applicant believes that neither DE ‘999.3 or Gartland teach or suggest an adapter and gas cylinder arrangement as called for in claim 39.

Claim 39 calls for, in part, a welding device having an adapter fluidly connected to a torch of the welding device without a manually adjusted valve therebetween and a gas cylinder that is automatically fluidly connected to the torch by translating the gas cylinder along a longitudinal axis of the gas cylinder and into contact with the adapter. As set forth above, the Examiner admitted that “DE ‘999.3 fails to teach an adapter fluidly connected to a torch.” *Id.* Thus, the Examiner relies upon the disclosure of Gartland to teach an adapter, which as called for in claim 1, is fluidly connected to a torch and fluidly connects a gas cylinder to the torch when the gas cylinder is translated along a longitudinal axis of the gas cylinder and into contact with the adapter. Applicant respectfully believes that Gartland does not teach or suggest such an adapter and connection of the gas cylinder to the adapter as is called for in claim 1.

Gartland discloses a gas metal arc welding (GMAW) system that includes a torch 11 and a power source 24. *Gartland*, Col. 3, Ins. 1-17. In one embodiment, air from a source 32 is delivered to torch 11 by way of an adapter unit 31 located between the air source 32 and torch 11. *Gartland*, Col. 3, Ins. 38-48. Air source 32 is connected to adapter 31 by way of a supply hose 35, and the flow of air to adapter 31 from source 32 is controlled by a regulator valve 33 and manual adjustment means 33' included on air source 32. *Gartland*, Col. 3, Ins. 48-53. The arrangement disclosed in Gartland, however, is not what is called for in claim 39. That is, claim 39 calls for a welding system in which the gas cylinder is fluidly connected to the torch by translating the gas cylinder along a longitudinal axis of the gas cylinder and into contact with the adapter, with no need for adjustment of a manual valve between the adapter and the torch. There is no teaching or disclosure in Gartland that air source 32 is fluidly connected to torch 11 without the adjustment of a manual valve. Rather, as described above, manual adjustment means 33' requires an operator to manually adjust/control the flow of air from source 32 to adapter 31 and out to torch 11.

Additionally, claim 39 specifically calls for the fluid connection between the gas supply and the torch to occur when the gas supply is translated into contact with the adapter. Gartland does not teach such an arrangement, but rather, discloses that supply hose 35 is what connects air source 32 to adapter 31, and thus, air source 32 does not contact adapter 31. As the Examiner has plainly admitted that DE '999.3 does not teach an adapter as called for in claim 39, and as Gartland does not teach or suggest an adapter that contacts a gas cylinder to fluidly connect the gas cylinder to the torch without the adjustment of a manual valve, Applicant respectfully believes that claim 39, and the claims dependent therefrom, are patentably distinct over the cited references.

The Examiner rejected claim 49 under 35 U.S.C. §102(b) as being anticipated by DE '999.3, stating that DE discloses "the method of providing shielding gas comprising the steps of initiating an arc, opening the gas path to a gas system and providing shielding gas immediately upon connection of a gas source to the welding device...." *Office Action*, supra at 2. The Examiner further stated that "[t]he term 'immediately' does not provide a specific time frame" and that "[b]ased on broadest interpretation, DE '999.3 would immediately turn on the gas upon connection to the gas source." *Id.* at 5. Applicant believes that claim 49 is patentably distinct over DE '999.3 regardless of the import of the term "immediately." Specifically, Applicant believes that DE '999.3 fails to teach or suggest that a shielding gas path is opened and provides shielding gas to a gas system upon connection of a gas source to a welding-type device.

DE '999.3 discloses a CO₂ welding set having a housing 2 that encloses a power source therein. *DE '999.3*, p. 3, lns. 6-15. A pressure bottle 1 containing CO₂ is also positioned within housing 2 and includes a threaded valve 6 thereon that controls gas flow from pressure bottle 1. *Id.* A pressure reducing valve 5 is positioned downstream from gas bottle 1 and valve 6 and controls gas pressure of CO₂ entering a gas hose in the CO₂ welding set. *Id.* at lns. 16-19. DE '999.3, however, does not teach or disclose that gas cylinder 1 is configured to be in fluid communication upon connection to the welding set as is called for in claim 49. Rather, as shown in the figure of DE '999.3, gas cylinder 1 includes a threaded valve 6 that is positioned in the gas path formed between pressure bottle 1 and pressure reducing valve 5 and that restricts air flow therebetween. Threaded valve 6 is shown as a traditional crank-type valve that must be manually opened and closed (i.e., turned) to control gas flow from pressure bottle 1. *See DE '999.3*, Figure. That is, gas cylinder 1 is not fluidly connected to the welding set based simply on its connection thereto as is called for in claim 49, but an additional manual manipulation of a valve is required to create a fluid communication and provide shielding gas from the gas cylinder to the welding set. Thus, DE '999.3 does not teach or disclose a method for providing shielding gas immediately upon connection of a gas source to a welding-type device and, as such, claim 49 and the claims dependent therefrom are patentably distinct over the cited reference.

The Examiner also rejected claim 51 under 102(b) over DE '999.3, stating that the cited reference discloses “the welding device comprising, means for generating power; means for providing shielding gas; and means for connecting the means for providing shielding gas and the means for generating power upon connection of the means for providing shielding gas and the means for generating welding power (figure).” *Office Action*, supra at 2. Applicant respectfully disagrees, as the cited reference does not teach or disclose means for fluidly connecting the means for providing shielding gas and the means for generating welding power upon connection of the means for providing shielding gas and the means for generating welding power as called for in claim 51.

As set forth above in regards to claim 49, DE '999.3 does not teach or disclose that gas cylinder 1 therein provides shielding gas upon connection to the welding set. That is, there is no means for fluidly connecting the gas cylinder 1 with the welding set upon connection of the gas cylinder to the welding set as called for in claim 51. Rather, as shown in the figure of DE '999.3, pressure bottle 1 includes a threaded valve 6 thereon that must be actuated separately from the connection of the gas cylinder 1, as shown by the crank-type valve illustrated in the figure of DE '999.3. The separate manual manipulation of the crank-type valve of DE '999.3 clearly indicates

that gas cylinder 1 is not in fluid communication with the welding set merely by its connection thereto. Such a conclusion is illogical and ignores the structure and teachings of DE '999.3. In light of the above, DE '999.3 clearly does not teach or disclose a means for fluidly connecting the gas cylinder and the welding set merely by connection of one to the other. As such, claim 51 and the claims dependent therefrom are patentably distinct over the cited reference.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 39-56.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

/Kevin R. Rosin/

Kevin R. Rosin
Registration No. 55,584
Phone 262-268-8100 ext. 15
krr@zpspatents.com

Dated: August 13, 2007
Attorney Docket No.: ITW7510.060

P.O. ADDRESS:

Ziolkowski Patent Solutions Group, SC
136 South Wisconsin Street
Port Washington, WI 53074
262-268-8100

General Authorization and Extension of Time

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2623. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2623. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2623. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 50-2623.

/Timothy J. Ziolkowski/

Timothy J. Ziolkowski
Registration No. 38,368
Direct Dial 262-268-8181
tjz@zpspatents.com

Dated: August 13, 2007
Attorney Docket No.: ITW7510.060

P.O. ADDRESS:

Ziolkowski Patent Solutions Group, SC
136 South Wisconsin Street
Port Washington, WI 53074
262-268-8100